

Appl. No. 10/511,195
Reply to Office Action of: October 11, 2006

Attorney Docket No. 11138-016

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II. Remarks

Reconsideration of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, claims 1-18 remain pending and new claim 19 has been added.

Allowable Subject Matter

The undersigned acknowledges the Examiner's indication of the allowability of claims 8, 10, 15 and 17, if rewritten into independent form, including all of the limitations of any base claim and intervening claims. In light of the amendments to claim 1, presented above and upon which these claims depend, it is submitted that these claims are allowable and such action is requested.

Drawing Objections

The drawings were objected to for failing to show the second piston and the second cylinder being connected to an adapter plate. Claim 9 recites the second piston or the second cylinder connected to an adapter plate. This arrangement is currently shown in Fig. 1 where a piston 4 of the prestressing unit is connected to an adapter plate 7 via a piston rod 4a. See also paragraph [0006] of the present application. Therefore, it is respectfully submitted that the claimed features are shown in the drawings and it is believed this objection is now moot.

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Claim Rejections - 35 U.S.C. § 112

Claims 11 and 12 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Claim 11 has been amended to specifically recite the first piston of the shaping unit, the first main assembly, and the second main assembly are displaceable relative to one another. This language is supported at least in paragraphs [0004] – [0007] and [0013] – [0014]. Claim 12 has also been amended to recite the first main assembly or the second main assembly being connected to a fixed frame.

Accordingly, it is believed that this rejection is now moot and should be withdrawn.

Claims 3, 10-12 and 15 were further rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 3 has been clarified by deleting the term *preferably*. Claims 9 and 10 have been amended to provide proper antecedent basis to the rigid connection. Claims 11 and 12 have been amended to better clarify the subject matter of these claims. Claim 15 has been amended to delete the term *such as* and new claim 19 has been added. Accordingly, it is believed this rejection is now moot and should be withdrawn.

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Claim Rejections - 35 U.S.C. § 102(b)

Claims 1-7, 9, 13, 14 and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,464,510, to Hull ("Hull"). Applicant respectfully traverses these rejections.

As noted by the Examiner, Hull discloses two cylinders 5 and 6 respectively carrying pistons 8 and 9 and separated by a spacer member 7. *Hull* at column 2, lines 40-50. The spacer member 7 includes a passage 70 for *fluid communication* between the cylinders 5 and 6. *Id.* at column 5, lines 21-23. "A restricted passage 73 extends from the passage 70 into the cylinder 5 allowing the fluid under pressure to enter said cylinder for operating the piston 8" in cylinder 5. *Id.* at column 5, lines 25-27. From this, it is submitted that Hull fails to disclose first and second pressure spaces that *lack fluid communication* therebetween such that the pressure spaces can be pressurized *independently* of each other. The rejection based thereon should be accordingly withdrawn.

Claim Rejections - 35 U.S.C. § 103(a)

Claim 16 was rejected under 35 U.S.C. § 102(b) as being unpatentable over Hull in view of U.S. Patent No. 5,253,506 Davis ("Davis"). Applicant respectfully traverses this rejection.

In that claim 16 is dependent on claim 1, for at least the reasons discussed above, Hull fails to disclose first and second pressure spaces that *lack fluid communication* therebetween such that the pressure spaces can be pressurized *independently* of each other. In that Davis fails to disclose or suggest the feature which was previously noted as being absent in Hull, it

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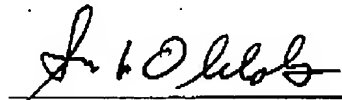
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must be concluded that the combination of Hull in view of Davis cannot render the claims of the present application as obvious. The rejection under § 103 is therefore improper and should be withdrawn.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,



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